

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Dana Albrecht,)	
<i>[DESTINIE L. BERARD]</i> ¹)	
)	
Plaintiff(s))	
v.)	Civil No. 1:25-cv-00093-SM-AJ
)	
Hon. John Pendleton, et al.,)	
)	
Defendants.)	

MOTION FOR EXTENSION OF TIME

NOW COMES Plaintiff Dana Albrecht and respectfully moves this Honorable Court for a brief extension of 14 days, through and including **August 11, 2025**, to file a response to the Salisbury Defendants’ *Motion to Dismiss* ([ECF No. 49](#)) and accompanying *Memorandum* ([ECF No. 50](#)). In support thereof, Plaintiff states:

1. The current deadline to respond is July 28, 2025. Plaintiff respectfully seeks a modest extension to allow for full consideration of recent developments and timely exhibits.
2. The Salisbury Defendants previously sought and received a 7-day extension ([ECF No. 42](#)) to file their motion to dismiss, which Plaintiff assented to.
3. Since then, a significant development has occurred: a bench trial in the related state court matter, *State v. Destinie L. Berard*, No. 441-2024-CR-00353, concluded on July 17, 2025, before Judge Pendleton—the same judge named as a defendant in this action.

¹ Ms. Berard has filed a *Motion for Joinder* ([ECF No. 24](#)) that is presently pending.

4. Mr. Albrecht promptly requested a copy of the official verdict on July 18, 2025 (*see* [Exhibit 1](#)), and as of the date of this filing, the state court has not yet provided a copy, despite multiple follow-ups with court staff, including on July 25 and again today, July 28.
5. The requested extension is modest, particularly when compared to the **second** 21-day extensions sought today by both the State and Judicial Defendants (ECF Nos. [54](#) & [55](#)), which remain pending before this Court.
6. No party will be prejudiced by this brief delay, particularly now that the related state trial has concluded.
7. This afternoon, Mr. Albrecht contacted opposing counsel, Attorney Joseph Padolsky, by email to request his position on an extension. As of the time of this filing, no response has been received.
8. Given the timing of the request and the intervening developments that occurred earlier in the day, Plaintiff submits that the lack of a reply is likely attributable to the late hour rather than any deliberate omission. Although Plaintiff and Attorney Padolsky differ on the merits, they have maintained a consistent and professional practice of conferring under Local Rule 7.1 on procedural matters, including short extensions of time. This stands in marked contrast to the State and Judicial Defendants, who have repeatedly sought extensions without any effort to obtain Plaintiff's position, contrary to the requirements of Local Rule 7.1.

WHEREFORE, Plaintiff(s) respectfully requests that this Court:

- A) Grant a 14-day extension of time up to and including August 11, 2025 for Plaintiff(s) to file a responsive pleading in opposition to the Salisbury Defendants' *Motion to Dismiss* ([ECF No. 49](#)) and accompanying *Memorandum* ([ECF No. 50](#));
- B) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



DANA ALBRECHT

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July 28, 2025

CERTIFICATE OF SERVICE

I, Dana Albrecht, certify that a copy of this Motion has been served on all parties of record via the CM/ECF system.



DANA ALBRECHT

July 28, 2025.